

081372,676



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKETT NO.
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EXAMINER

ART UNIT PAPER NUMBER

14

DATE MAILED:

### EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Ex. Julie Reaves (3) \_\_\_\_\_  
(2) Atty Demetra Mills (4) \_\_\_\_\_

Date of interview 3 May 1996

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description: \_\_\_\_\_

Agreement  was reached with respect to some or all of the claims in question.  was not reached.

Claims discussed: all

Identification of prior art discussed: none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ex. Suggested

allowability of claims drawn to ab produced by  
1A7 hybridoma with ATCC # as recited in claims +  
hybridoma that produces 1A7 ab.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Julie Reaves, PLD.

Examiner's Signature

08/372,876



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DATE MAILED:

## EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert Biedens

(3) Demetra Mills

(2) Julie Reeves

(4) Gladys Monroy

J. Michael Schiff

Date of interview 5/15/96

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description: \_\_\_\_\_Agreement  was reached with respect to some or all of the claims in question.  was not reached.Claims discussed: AllIdentification of prior art discussed: NoneDescription of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner indicated

concerns over dual prosecution of application. Applicants will submit a signed Power of Attorney for Assignees, Attorneys as soon as possible. Applicant expressed concern over scope of claims particularly with respect to language "progeny thereof" and "all the identifying characteristics." Examiner Biedens indicated

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(1) \_\_\_\_\_ (3) \_\_\_\_\_

(2) \_\_\_\_\_ (4) \_\_\_\_\_

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Claims discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

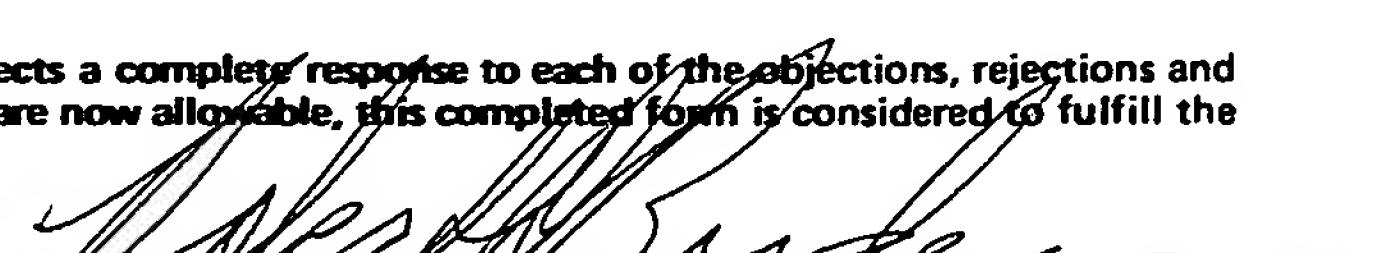
Description of the general nature of what was agreed to if an agreement was reached, or any other comments: that "progeny" language was only allowable where language was clearly defined in the specification. Applicants argued that scope of "progeny" was well known in art and limited to cells producing their antibody having the same amino acid sequence. Examiner further indicated that language "all identifying characteristics" was presently

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Date of interview 5/15/96Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description: \_\_\_\_\_Agreement  was reached with respect to some or all of the claims in question.  was not reached.

Claims discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: considered indefinite under 35 USC 112/2. Applicants expressed concerns that narrow scope would not encompass growth and expansion of hybridoma cells beyond first generations. The Examiner indicated that proposed claims were not construed as so narrow as to preclude expansion of cells for purposes

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(2) \_\_\_\_\_ (4) \_\_\_\_\_

Date of interview \_\_\_\_\_

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Claims discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: *of producing antibodies. Examiner indicated that finality of the last Office action will be withdrawn and that a non-final office action will be forthcoming so that arguments concerning the above scope issues and pharmaceutical issues can be developed and clarified on the record.*

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